

**(c) Stay of sale of seized property pending district court determination under section 7429**

**(1) General rule**

Where a jeopardy assessment has been made under section 6862(a), the property seized for the collection of the tax shall not be sold—

(A) if a civil action is commenced in accordance with section 7429(b), on or before the day on which the district court judgment in such action becomes final, or

(B) if subparagraph (A) does not apply, before the day after the expiration of the period provided in section 7429(a) for requesting an administrative review, and if such review is requested, before the day after the expiration of the period provided in section 7429(b), for commencing an action in the district court.

**(2) Exceptions**

With respect to any property described in paragraph (1), the exceptions provided by subsection (b)(3)(B) shall apply.

(Aug. 16, 1954, ch. 736, 68A Stat. 836; Pub. L. 94-455, title XII, §1204(c)(7)–(9), title XIX, §1906(a)(38), (b)(13)(A), Oct. 4, 1976, 90 Stat. 1698, 1830, 1834; Pub. L. 100-203, title X, §10713(b)(2)(E), Dec. 22, 1987, 101 Stat. 1330-470; Pub. L. 100-647, title VI, §6245(a), Nov. 10, 1988, 102 Stat. 3750; Pub. L. 101-239, title VII, §7822(d)(2), Dec. 19, 1989, 103 Stat. 2425.)

**AMENDMENTS**

1989—Subsec. (b)(3)(A)(iii). Pub. L. 101-239 made technical correction to Pub. L. 100-203, §10713(b)(2)(E)(iii), see 1987 Amendment note below.

1988—Subsec. (b)(3)(C). Pub. L. 100-647 added subpar. (C).

1987—Subsec. (a). Pub. L. 100-203, §10713(b)(2)(E)(i), substituted “6851, 6852,” for “6851”.

Subsec. (b)(3)(A). Pub. L. 100-203, §10713(b)(2)(E)(ii), substituted “6851, 6852, or 6861” for “6851 or 6861”.

Subsec. (b)(3)(A)(iii). Pub. L. 100-203, §10713(b)(2)(E)(iii), as amended by Pub. L. 101-239, substituted “6851(a), 6852(a), nor 6861(a)” for “6851(a) nor 6861(a)”.

1976—Subsec. (a). Pub. L. 94-455, §§1204(c)(7), 1906(b)(13)(A), inserted reference to section 6851, substituted “an assessment” for “a jeopardy assessment”, struck out “or his delegate” after “Secretary”, and substituted “such assessment” for “the jeopardy assessment”.

Subsec. (b)(3)(A). Pub. L. 94-455, §1204(c)(8), substituted “an assessment has been made under section 6851 or 6861,” for “a jeopardy assessment has been made under section 6861” in provisions preceding cl. (i), added cl. (i), redesignated former cl. (i) as (ii) and substituted “before the issuance of the notice of deficiency described in section 6851(b) or 6861(b), and the expiration of the period” for “if section 6861(b) is applicable, prior to the issuance of the notice of deficiency and the expiration of the time”, redesignated former cl. (ii) as (iii) and substituted “assessment), before the expiration” for “jeopardy assessment under section 6861), prior to the expiration” and “if neither sections 6851(a) nor 6861(a) were applicable” for “if section 6861(a) were not applicable”, and inserted provisions following cl. (iii).

Subsec. (b)(3)(B)(ii). Pub. L. 94-455, §1906(b)(13)(A), struck out “or his delegate” after “Secretary”.

Subsec. (b)(3)(C). Pub. L. 94-455, §1906(a)(38), struck out subpar. (C) which had limited the applicability of subpars. (A) and (B) to jeopardy assessments made on or after Jan. 1, 1955, with respect to taxes imposed by this title, and with respect to taxes imposed by the Internal Revenue Code of 1939.

Subsec. (c). Pub. L. 94-455, §1204(c)(9), added subsec. (c).

**EFFECTIVE DATE OF 1989 AMENDMENT**

Amendment by Pub. L. 101-239 effective as if included in the provision of the Revenue Act of 1987, Pub. L. 100-203, title X, to which such amendment relates, see section 7823 of Pub. L. 101-239, set out as a note under section 26 of this title.

**EFFECTIVE DATE OF 1988 AMENDMENT**

Section 6245(b) of Pub. L. 100-647 provided that: “The amendments made by this section [amending this section] shall take effect on the 90th day after the date of the enactment of this Act [Nov. 10, 1988].”

**EFFECTIVE DATE OF 1976 AMENDMENT**

Amendment by section 1204(c)(7)–(9) of Pub. L. 94-455 applicable with respect to action taken under section 6851, 6861, or 6862 of this title where notice and demand takes place after Feb. 28, 1977, see section 1204(d) of Pub. L. 94-455, as amended, set out as a note under section 6851 of this title.

Amendment by section 1906(a)(38), (b)(13)(A) of Pub. L. 94-455 effective on first day of first month which begins more than ninety days after Oct. 4, 1976, see section 1906(d)(1) of Pub. L. 94-455, set out as a note under section 6013 of this title.

**CROSS REFERENCES**

Bond to stay assessment and collection, see section 7485 of this title.

Other provisions for bonds, see section 7103 of this title.

Sale of seized property, see section 6335 of this title.

**SECTION REFERRED TO IN OTHER SECTIONS**

This section is referred to in sections 6861, 7103 of this title.

**§ 6864. Termination of extended period for payment in case of carryback**

**For termination of extensions of time for payment of income tax granted to corporations expecting carrybacks in case of jeopardy, see section 6164(h).**

(Aug. 16, 1954, ch. 736, 68A Stat. 837.)

**PART III—SPECIAL RULES WITH RESPECT TO CERTAIN CASH**

Sec.

6867. Presumptions where owner of large amount of cash is not identified.

**§ 6867. Presumptions where owner of large amount of cash is not identified**

**(a) General rule**

If the individual who is in physical possession of cash in excess of \$10,000 does not claim such cash—

(1) as his, or

(2) as belonging to another person whose identity the Secretary can readily ascertain and who acknowledges ownership of such cash,

then, for purposes of sections 6851 and 6861, it shall be presumed that such cash represents gross income of a single individual for the taxable year in which the possession occurs, and that the collection of tax will be jeopardized by delay.

**(b) Rules for assessing**

In the case of any assessment resulting from the application of subsection (a)—